REMARKS

The Examiner is thanked for the indication that claims 9-17 and 21-29 are allowed.

Claims 1-5 and 8-29 are pending in the application. Claims 1, 9, 18, and 21 are independent. By the foregoing Amendment claims 1 and 18 have been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1-5, 8, and 18-20 Under 35 U.S.C. §102(b)

In the Office Action, the Examiner rejected claims 1-5, 8, and 18-20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No 6,999,340 to Bramley, Jr. (hereinafter "*Bramley*"). Applicants respectfully traverse the rejection.

A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. Id. *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)).

Independent claim 1 recites in pertinent part "writing updated firmware data to a *pad file* in the persistent firmware memory that is different from a memory location of the existing platform firmware data so that the persistent firmware memory comprises both the existing platform firmware data and the updated platform data" (emphasis added). Independent claim 18 recites in pertinent part "writing updated firmware data to a *pad file* in the persistent firmware memory that is different from a memory location of the existing platform firmware data so that the persistent firmware memory comprises both the existing platform firmware data and the updated platform data" (emphasis added).

Applicants respectfully submit that *Bramley* fails to teach the identical invention as recited in claims 1 and/or 18. For example, *Bramley* fails to disclose "writing updated firmware data to a *pad file* in the persistent firmware memory that is different from a memory location of the existing platform firmware data so that the persistent firmware memory comprises both the

existing platform firmware data and the updated platform data." Accordingly, Applicants respectfully submit that *Bramley* fails to anticipate claims 1 and 18 and thus claims 1 and 18 are patentable over *Bramley*.

Claims 2-5 and 8 properly depend from claim 1, which Applicants respectfully submit is patentable. Claims 19-20 properly depend from claim 118, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 2-5, 8, and 19-20 are patentable for at least the same reasons that claims 1 and 18 are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-5, 8, and 18-20.

CONCLUSION

Applicant submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 3/8/ 2007
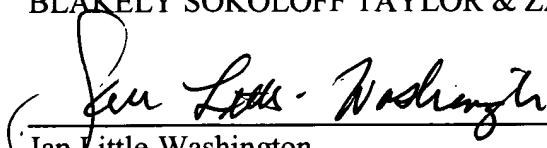
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